

Customs Bulletin

Regulations, Rulings, Decisions, and Notices
concerning Customs and related matters



and Decisions of the United States Court of Appeals for the Federal Circuit and the United States Court of International Trade

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THE DEPARTMENT OF THE TREASURY
U.S. Customs Service

NOTICE

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U.S. Customs Service

Treasury Decisions

Bureau of Alcohol, Tobacco and Firearms

(T.D. 84-168)

Customs/BATF Agreement—Distilled Spirits Plants

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: This document sets forth a memorandum of understanding between the Customs Service and the Bureau of Alcohol, Tobacco and Firearms (BATF), whereby the BATF will perform, on behalf of the Customs Service, the verification of quantities of imported bulk liquor entered at distilled spirits plant locations. Implementation of this agreement will result in substantial improvement in the Treasury Department's overall control of distilled spirits plants. It will not require any changes in the regulations of either agency or have any significant impact upon the distilled spirits industry.

EFFECTIVE DATE: July 13, 1984.

FOR FURTHER INFORMATION CONTACT: Matt Krimski, Regulatory Audit Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, (202-566-2812).

MEMORANDUM OF UNDERSTANDING BETWEEN THE U.S. CUSTOMS
SERVICE AND THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS,
DEPARTMENT OF THE TREASURY

Purpose

To establish an agreement whereby the Bureau of Alcohol, Tobacco and Firearms will perform, on behalf of the U.S. Customs Service, the verification of quantities of imported bulk distilled spirits entered at distilled spirits plant locations.

Background

Since 1971, officers of the Bureau of Alcohol, Tobacco and Firearms (BATF), acting as Customs Inspectors, have received imported bulk spirits at distilled spirits plants (DSP's) under the "immediate delivery" procedure. The concept of a joint gauge by one Treasury officer to determine the quantity of imported bulk spirits for duty purposes as well as tax purposes has served both agencies well for over 10 years.

In 1980, BATF began phasing out officers located at DSP's as a result of the provisions of Title VIII of the Trade Agreements Act of 1979 (P. L. 96-39, 93 Stat. 273), which eliminated the statutory requirement for onsite supervision by Treasury officers at DSP's. The amendments contained in Title VIII made onsite supervision and the use of Government locks and seals optional at the discretion of the Secretary of Treasury. This discretionary authority permits the Secretary to continue to assign Treasury officers and require Government locks at plants where necessary, but it is intended to eliminate this control where it is not needed.

General Authorities

31 U.S.C. Section 321.

Interagency Coordination

Customs will continue to process entries and collect duties on bulk distilled spirits entering DSP facilities. Customs may on occasion elect to observe the gauging practices of DSP operators at their premises.

BATF will verify the imported quantities furnished to Customs for entry purposes utilizing whatever methods they deem necessary to ensure adequate revenue protection. BATF will furnish reports to Customs on an exception basis, i.e., in those instances where a BATF examination identifies a problem. Based on the information contained in the BATF reports Customs will initiate appropriate action.

Justification

The Treasury Department's mission effectiveness and cost efficiency in its control of DSP's will be improved as follows:

BATF places greater emphasis on accounting for alcohol as it is BATF's responsibility to protect and collect the Internal Revenue Tax of \$10.50 per proof gallon, while Customs collects a duty of 50¢ per proof gallon on imported alcohol.

BATF's cost/time expenditures to verify import information would be less than that incurred by Customs since both audit and inspection duties of Customs can be integrated into BATF's present DSP program thus eliminating duplicative cost.

Implementation

This agreement will not require any changes in regulations concerning DSP operations. The impact on the distilled spirits indus-

try will be negligible. Notice, via the Federal Register, will be given to DSP operators setting forth the Department's new Policy within 120 days of completion of this agreement.

ALFRED R. DE ANGELUS,
*Acting Commissioner,
U.S. Customs Service.*

Date: March 29, 1984.

STEPHEN E. HIGGINS,
*Director,
Bureau of Alcohol, Tobacco and Firearms.*

Date: March 19, 1984.

[Published in the Federal Register August 1, 1984 (49 FR 30827)]

(T.D. 84-169)

Synopses of Drawback Decisions

The following are synopses of drawback rates issued February 28, 1984, to April 10, 1984, inclusive, pursuant to Subpart C of Part 191, Customs Regulations; and an approval under T.D. 84-49.

In the synopses below are listed for each drawback rate approved under 19 U.S.C. 1313(b), the name of the company, the specified articles on which drawback is authorized, the merchandise which will be used to manufacture or produce these articles, the factories where the work will be accomplished, the date the statement was signed, the basis for determining payment, the Regional Commissioner to whom the rate was forwarded or issued by, and the date on which it was forwarded or issued.

(DRA-1-09)

Dated: July 23, 1984.

File: 217078.

GEORGE C. STEUART
(For Edward B. Gable, Jr., Director,
Carriers, Drawback and Bonds Division).

(A) Company: ALS Metals Company
Articles: Titanium and titanium alloy mill products
Merchandise: Titanium and titanium alloy forms
Factories: Factories of agents under T.D.'s 55207(1) and 55027(2)
and/or 81-181
Statement signed: November 10, 1983
Basis of claim: Used in, less valuable waste
Rate forwarded to Regional Commissioner of Customs: New York,
February 29, 1984

(B) Company: Amax Specialty Metals Corporation

Articles: Alloyed or unalloyed arc-cast molybdenum in various forms; Powder metallurgy molybdenum, alloyed or unalloyed in various forms; Molybdenum metal powder in various forms

Merchandise: Ammonium di-molybdate; Molybdenum tri-oxide; Technical oxide; Molybdenum metal powder

Factories: Coldwater, MI; Cleveland, OH

Statement signed: February 2, 1984

Basis of claim: Appearing in

Rate forwarded to Regional Commissioner of Customs: New York, March 13, 1984

Revokes: T.D. 75-208-N

(C) Company: Atlantic Richfield Company, Arco Metals Division

Articles: Copper sheet, strip, roll, bar, wire, pipe, tube, or extruded shapes, either bare or coated with tin or other metallic coating

Merchandise: Copper in forms such as ingots and cathodes, 99.3 percent pure or better

Factories: Buffalo, NY; Paramount, CA; Kenosha, WI; Ansonia, CT; Franklin, KY

Statement signed: December 8, 1983

Basis of claim: Appearing in

Rate forwarded to Regional Commissioner of Customs: Chicago, April 4, 1984

Revokes: T.D. 46098-B, as amended and extended by T.D.'s 47668-F, 48318-B, 50358-D, 50610-B, 50800-F, 50946-E, 51976-A, 54044-B, 55492-E, and 73-148-F

(D) Company: Bravo Leather Corporation

Articles: Finished Crust Leather

Merchandise: Leather, in the rough, unfinished, other bovine, glove and garment

Factories: Johnstown and Gloversville (2 locations), NY

Statement signed: February 9, 1984

Basis of claim: Used in

Rate forwarded to Regional Commissioner of Customs: New York, April 4, 1984

(E) Company: Cabot Corporation, Wrought Products Division

Articles: Articles in various forms such as ingots, bars, anodes, cathodes, rods, sheet, shot, slabs, plates, strip, wire, tubes, and billets

Merchandise: Beryllium copper master alloy

Factories: Berks County, PA; Elmsford, NY; Athens, TN; Arcadia, LA; Elkhart and Kokomo, IN

Statement signed: February 3, 1984

Basis of claim: Appearing in

Rate forwarded to Regional Commissioner of Customs: New York,
April 10, 1984
Revokes: T.D. 82-11-G

(F) Company: Camvac International, Inc.
Articles: Packaging grade metallized polypropylene, 80 and 90
gauge
Merchandise: Polypropylene film, 80 and 90 gauge
Factory: Brewster, NY
Statement signed: October 11, 1983
Basis of claim: Appearing in
Rate forwarded to Regional Commissioner of Customs: New York,
March 6, 1984

(G) Company: The C.P. Hall Co.
Articles: Paraplex® G-25, Poly (propylene glycol sebacate)
Merchandise: Sebacic acid
Factory: Chicago, IL
Statement signed: February 22, 1984
Basis of claim: Used in
Rate forwarded to Regional Commissioner of Customs: Chicago,
April 3, 1984

(H) Company: H.B. DeViney Co., Inc. (a subsidiary of the J.M.
Smucker Co.)
Articles: Peanut butter
Merchandise: Peanuts
Factory: New Bethlehem, PA
Statement signed: January 9, 1984
Basis of claim: Appearing in
Rate forwarded to Regional Commissioners of Customs: Chicago
and Los Angeles (San Francisco Liquidation), March 22, 1984

(I) Company: Hercules Incorporated
Articles: Carbon, graphite and oxidized fiber products
Merchandise: Polyacrylonitrile fibers
Factory: Magna, UT
Statement signed: July 25, 1983
Basis of claim: Used in
Rate forwarded to Regional Commissioner of Customs: Boston,
March 1, 1984

(J) Company: Hexcel Corporation
Articles: High modulus graphite (HMG) impregnated woven fabric
Merchandise: 3000 and 6000 filament tow carbon/graphite yarn
Factory: Livermore, CA
Statement signed: February 21, 1984
Basis of claim: Appearing in

Rate forwarded to Regional Commissioners of Customs: New York and Los Angeles (San Francisco Liquidation), March 6, 1984
Revokes: T.D. 84-2-G

(K) Company: Hunt-Wesson Foods, Inc.

Articles: Refined cottonseed oil

Merchandise: Refined summer yellow cottonseed oil

Factories: Fullerton, CA; Chicago, IL; Savannah, GA; Bayonne, NJ; Memphis, TN

Statement signed: December 2, 1983

Basis of claim: Used in, with distribution to the products obtained in accordance with their relative values at the time of separation

Rate forwarded to Regional Commissioner of Customs: Los Angeles and Los Angeles (San Francisco Liquidation), March 20, 1984

(L) Company: International Microelectronic Products

Articles: Finished integrated circuits

Merchandise: Unfinished integrated circuits

Factory: San Jose, CA

Statement signed: May 13, 1983

Basis of claim: Appearing in

Rate forwarded to Regional Commissioner of Customs: Los Angeles (San Francisco Liquidation), April 4, 1984

(M) Company: Jimbo's Jumbos Corporation

Articles: Roasted peanuts and peanut butter

Merchandise: Peanuts

Factory: Edenton, NC

Statement signed: January 13, 1984

Basis of claim: Appearing in

Rate forwarded to Regional Commissioner of Customs: Los Angeles (San Francisco Liquidation), March 21, 1984

(N) Company: Mobil Oil Corporation

Articles: Intermediate fuels

Merchandise: Residual fuel oil; distillate fuel oil

Factories: Page 1, contract

Statement signed: January 27, 1984

Basis of claim: Used in

Rate forwarded to Regional Commissioner of Customs: Boston (Baltimore Liquidation), February 28, 1984

(O) Company: Monsanto Company

Articles: Santicizer® 160 (Butyl Benzyl Phthalate), Machete® Technical, 90% and 92%; Machete® Emulsifiable Concentrate (Machete EC)

Merchandise: N-Butanol (N-butyl alcohol)

Factories: Bridgeport, NJ; Indian Orchard, MA; Muscatine, IA

Statement signed: November 10, 1983

Basis of claim: Appearing in
Rate forwarded to Regional Commissioners of Customs: New York
and Chicago, February 28, 1984
Revokes: T.D. 73-324-U

(P) Company: Monsanto Company
Articles: Various Lustran trademark products
Merchandise: Lustran® ABS CLP 670 Polymer
Factories: Addyston, OH; Muscatine, IA
Statement signed: November 22, 1983
Basis of claim: Appearing in
Rate forwarded to Regional Commissioners of Customs: New York
and Chicago, March 6, 1984

(Q) Company: Mostek Corp.
Articles: Partially and fully fabricated semiconductor wafers; finished semiconductor devices
Merchandise: Raw silicon wafers
Factories: Carrollton, TX; Colorado Springs, CO
Statement signed: February 7, 1983
Basis of claim: Used in
Rate forwarded to Regional Commissioner of Customs: Los Angeles
(San Francisco Liquidation), and Houston, February 29, 1984
Revokes: T.D. 81-91-R

(R) Company: National Distillers and Chemical Corp., Emery Industries
Articles: Emery 5723 (N-cyanoethyl-N-ethylaniline)
Merchandise: N-Ethylaniline
Factory: Lock Haven, PA
Statement signed: February 6, 1984
Basis of claim: Used in
Rate forwarded to Regional Commissioner of Customs: Chicago,
March 2, 1984

(S) Company: Queen Carpet Corporation
Articles: Processed yarn and carpet
Merchandise: Nylon filament; Nylon staple, both textured
Factories: Dalton and Tifton, GA
Statement signed: October 25, 1983
Basis of claim: Appearing in
Rate forwarded to Regional Commissioners of Customs: Miami and
New Orleans, March 20, 1984

(T) Company: SDS Biotech Corporation
Articles: Bravo 500 aka Daconil flowable, Nopocide N40D or Chlorothalonil 500
Merchandise: Daconil 2787 (Technical Tetrachloroisophthalonitrile)
Factory: Houston, TX

Statement signed: September 20, 1983

Basis of claim: Appearing in

Rate issued by Regional Commissioner of Customs in accordance with section 191.25(b)(2), Customs Regulations: New York, April 6, 1984

Revokes: T.D. 82-39-E, to cover successorship from the Diamond Shamrock Corporation

(U) Company: SDS Biotech Corporation

Articles: Daconil 2787 (Technical Tetrachloroisophthalonitrile)

Merchandise: Activated carbon and Isophthalonitrile

Factory: Houston, TX

Statement signed: September 20, 1983

Basis of claim: Used in

Rate issued by Regional Commissioner of Customs in accordance with section 191.25(b)(2), Customs Regulations: New York, April 6, 1984

Revokes: T.D. 83-58-J, to cover successorship from the Diamond Shamrock Corporation.

(V) Company: TRW, Inc., Compressor Components Division

Articles: Titanium alloy parts for jet turbines

Merchandise: Titanium alloy in various forms

Factories: Cleveland, OH; Thomasville, GA; Danville, PA (T.D.'s 55207(1) and 55207(2) applicable)

Statement signed: January 26, 1984

Basis of claim: Used in, less valuable waste

Rate forwarded to Regional Commissioner of Customs: New York, March 16, 1984

(W) Company: Uniroyal, Inc.

Articles: Omite technical; omite 30W; omite 6E; omite 68E; comite

Merchandise: Various chemicals identified by uniform Uniroyal chemical code numbers

Factories: Naugatuck, CT; and through agents operating under T.D.'s 55207(2) and 55207(1)

Statement signed: August 29, 1983

Basis of claim: Appearing in

Rate forwarded to Regional Commissioner of Customs: New York, April 5, 1984

Revokes: T.D. 81-281-Y, and T.D. 72-196-G, as amended by T.D. 74-149-L

(X) Company: Uniroyal, Inc.

Articles: Yarns; synthetic industrial fabrics

Merchandise: Modacrylic staple fiber

Factories: Winnsboro, SC; Shelbyville, TN; Scottsville, VA; Hognasville, GA

Statement signed: August 22, 1983

Basis of claim: Appearing in

Rate forwarded to Regional Commissioner of Customs: New York,
March 30, 1984

(Y) Company: Westinghouse de Puerto Rico, Inc. Thermo King de
Puerto Rico Division

Articles: Transport refrigeration units

Merchandise: Diesel engines

Factory: Arecibo, PR

Statement signed: January 31, 1984

Basis of claim: Used in

Rate issued by Regional Commissioner of Customs in accordance
with section 191.25(b)(2), Customs Regulations: New York, March
19, 1984

Revokes: T.D. 83-257-W, to cover a change on name from Thermo
King de Puerto Rico, Inc.

(Z) Company: Westinghouse de Puerto Rico, Inc., Thermo King Car-
ibbean Division

Articles: Transport refrigeration units

Merchandise: Diesel engines

Factory: Ciales, PR

Statement signed: January 31, 1984

Basis of claim: Used in

Rate issued by Regional Commissioner of Customs in accordance
with section 191.25(b)(2), Customs Regulations: New York, March
15, 1984

Revokes: T.D. 83-257-U, to cover a change in name of company
from Thermo King Caribbean, Inc.

Approval under T.D. 84-49.

(1) Company: Commonwealth Oil Refining Company, Inc.

Articles: Aviation gasoline; motor gasoline; middle distillates; lique-
fied petroleum gas, fuel oil; refinery gas; benzene; toluene;
xylene; orthoxylene; raffinate; cyclohexane; ethylbenzene; plat-
formate

Merchandise: Crude petroleum and petroleum derivatives, API
classes I-IV

Factory: Tallaboa, Pennuelas, PR

Statement signed: December 15, 1983

Basis of claim: As provided in the drawback rate contained in T.D.
84-49

Rate forwarded to Regional Commissioner of Customs: Miami,
March 19, 1984

Sunoco Terminals, Inc. operating under T.D. 83-245-V, has
changed its name to Sun Marine Terminals, Inc.

(T.D. 84-170)

Customs Delegation Order No. 68

Customs Delegation Order Concerning Examination of Records
and Issuance of Summonses

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Delegation of authority.

SUMMARY: This document delegates to certain specified Customs officers the authority delegated from the Secretary of the Treasury to the Commissioner of Customs to issue summonses requiring importers or other specified persons to appear for examination and to produce records relating to importations, in any investigation or inquiry conducted to determine the correctness of an entry, the liability of any person for duty and taxes, or liability for fines and penalties, or to ensure compliance with U.S. laws administered or enforced by Customs. This new delegation is necessary because several of the Customs positions which were previously delegated this authority have been abolished and new positions established; and several additional positions need to be included in the list of officials delegated this authority.

EFFECTIVE DATE: August 3, 1984.

FOR FURTHER INFORMATION CONTACT:

Richard Siegel, Office of Investigations, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. (202-566-6188).

SUPPLEMENTARY INFORMATION:

BACKGROUND

The Customs Procedural Reform and Simplification Act of 1978, Pub. L. 95-410, 92 Stat. 889, amended section 509, Tariff Act of 1930, as amended (19 U.S.C. 1509), to grant the Secretary of the Treasury, and appropriate delegates of the Secretary, authority to examine, or cause to be examined, records and to summon importers and other witnesses relating to laws enforced by Customs. In any investigation or inquiry conducted to determine the correctness of an entry, the liability of any person for duties and taxes which may be due the United States, or liability for fines and penalties, or to ensure compliance with laws and regulations administered or enforced by the Customs Service, authority was specifically given to:

(a) Examine, or cause to be examined, upon reasonable notice, any record, statement, declaration or other document, described in the notice with reasonable specificity, which may be relevant to the investigation or inquiry; and

(b) Summon, upon reasonable notice, to appear before a Customs officer for the purpose of producing records and giving testimony;

(1) Any person who imported merchandise into the customs territory of the United States or knowingly caused it to be imported,

(2) Any officer, employee, or agent of such person,

(3) Any person who has possession, custody, or care of records relating to such importation,

(4) Any other person deemed proper.

By Treasury Department Order No. 165, Revised, dated November 2, 1954, and published in the Federal Register as T.D. 53654 on November 6, 1954 (19 FR 7241), the Commissioner of Customs was delegated all the rights, privileges, powers, and duties vested in the Secretary of the Treasury by the Tariff Act of 1930, as amended, by the navigation laws administered by Customs or by any other law to the extent that it is administered by Customs. The Commissioner of Customs, by Customs Delegation Order No. 55, dated January 4, 1979, and published in the Federal Register as T.D. 79-10 on January 10, 1979 (44 FR 2217), redelegated this authority to summon importers and to examine records to various Customs officials in Customs Headquarters and field offices.

As a result of changes in the Customs organizational structure, it is necessary to issue a new Customs Delegation Order to remove abolished positions and to include those positions that have been established. It is also necessary to add other Customs officials to the list inasmuch as the authority to issue Customs summonses is an essential part of the law enforcement or investigatory function of these officials.

INAPPLICABILITY OF PUBLIC NOTICE AND DELAYED EFFECTIVE DATE REQUIREMENTS

Because this rule relates solely to agency organization, procedure, or practice, notice and public procedure thereon are unnecessary and good cause exists for dispensing with a delayed effective date pursuant to 5 U.S.C. 553.

DRAFTING INFORMATION

The principal author of this document was Susan Terranova, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

CUSTOMS DELEGATION ORDER NO. 68

Delegation of Authority with Respect to the Examination of Records and the Issuances of Summonses

By virtue of the authority granted to me by Treasury Department Order No. 165, Revised (T.D. 53654, 19 FR 7241), as amended, I delegate to the following specified officers of the Customs Service

the functions, rights, privileges, powers and duties under section 509, Tariff Act of 1930, as amended (19 U.S.C. 1509), to

(a) Examine, or cause to be examined, records, statements, declarations and documents; and

(b) Summon, upon reasonable notice to appear before a Customs officer for the purpose of producing records and giving testimony, under oath,

(1) Any person who imported merchandise into the customs territory of the United States or caused it to be imported,

(2) Any officer, employee, or agent of such person,

(3) Any person who has possession, custody, or care of records relating to such importation, or

(4) Any other person deemed proper,
in any investigation or inquiry conducted to determine the correctness of any entry, the liability of any person for duties and taxes which may be due the United States, or liability for fines and penalties, or to ensure compliance with laws and regulations administered by the Customs Service:

Assistant Commissioner (Enforcement)

Deputy Assistant Commissioner (Enforcement)

Customs attaches

Senior Customs representatives

Special agents in charge

Area special agents in charge

Headquarters Director, Duty Assessment Division

Headquarters Director, Office of Investigations

Regional commissioners

Assistant regional commissioners of operations

Assistant regional commissioners (Enforcement)

Deputy assistant regional commissioners (Enforcement)

District and area directors

Assistant Commissioner (Internal Affairs)

Deputy Assistant Commissioner (Internal Affairs)

Headquarters Director, Internal Security Division, Office of Internal Affairs

Regional directors of internal affairs

Assistant regional directors for audit

Assistant regional directors for internal security

This order supersedes Customs Delegation Order No. 55, dated January 4, 1979 (T.D. 79-10, 44 FR 2217).

Dated: July 31, 1984.

WILLIAM VON RAAB,
Commissioner of Customs.

U.S. Customs Service

Proposed Rulemaking

19 CFR Part 6

Proposed Customs Regulations Amendments Relating to Reporting Requirements for Aircraft Arriving in the United States

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations to extend to certain commercial aircraft, the reporting requirements currently applicable to private aircraft arriving from areas south of the United States. Current regulations provide specifics regarding the requirements for reporting arrival, and include a list of designated airports at various border and coastline points at which designated aircraft must land. This notice merely proposes to expand coverage of existing requirements to include certain commercial aircraft.

The proposed amendment is necessary because of the severity of the drug abuse problem, the major increase in illegal drug importations, and the need for action to expand the effectiveness of drug smuggling enforcement. Customs has found that because commercial aircraft are exempt from current reporting requirements, aircraft operators are able to claim to be on a commercial flight and thus bypass the necessity to report and land. This proposal seeks to remedy that situation.

DATE: Comments must be received before October 1, 1984.

ADDRESS: Written comments (preferably in triplicate) should be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Galen G. Garlick, Office of Inspection and Control, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5607).

SUPPLEMENTARY INFORMATION:

BACKGROUND

The National Narcotics Intelligence Consumers Committee has documented that the supply of illegal drugs to the United States market and the subsequent extent of drug abuse has reached monumental proportions. Illegal drugs generated an estimated \$80 billion in retail sales in 1980, a 23 percent increase from 1979. The severity of the drug abuse problem, the preponderance of drug users, and the major increases in volumes of illegal drug importations in the United States are indicated by the significant increase in drug-related deaths, medical care, arrests, and seizures.

The smuggler organization has solidified a dominant position in the United States through the penetration of strategic points in the economy. Countries to the south of the United States are major sources of illegal drugs destined for the United States. Smuggling by air is the preferred mode of transportation for low-volume, high cost narcotics. A Stanford Research Institute Study indicates the magnitude of the air smuggling threat at approximately 6,700 flights annually. Although recent air interdiction activities in the southeastern United States have resulted in many arrests and seizures, an end to the present situation of drug abuse in the United States is not in sight.

In order to address this national problem, it is necessary to take action to expand the effectiveness of smuggling enforcement. In 1975, the Customs Regulations were amended by adding a new section 6.14 (19 CFR 6.14), to provide for a notice of intended arrival for private aircraft arriving in the United States via the United States/Mexican border. Section 6.14 further provided that such private aircraft land at any one of 14 designated airports along the United States/Mexican border.

Because of the magnitude of the drug problem, and in direct response to Executive and Congressional directives, by an interim regulation published as T.D. 82-52 in the Federal Register on March 24, 1982 (47 FR 12620), the notice requirements were extended to private aircraft arriving in the United States via the Gulf of Mexico, Pacific and Atlantic Coasts. These interim regulations were adopted as a final rule by publication of T.D. 83-192 in the Federal Register on September 15, 1983 (48 FR 41381).

Because the existing regulations only apply to private aircraft and commercial aircraft are exempt from the reporting requirements, aircraft operators are able to capitalize on this technicality to legally bypass the reporting requirements by claiming to be on a commercial flight. To prevent aircraft operators from avoiding the reporting and landing requirements, and thus possibly engaging in drug smuggling, it is now believed that these requirements should be made applicable to certain commercial aircraft in addition to all private aircraft.

LIST OF SUBJECTS IN 19 CFR PART 6

Air carriers, Air transportation, Aircraft, Airports.

PROPOSED REGULATIONS AMENDMENTS

It is proposed to amend Part 6, Customs Regulations (19 CFR Part 6), in the following manner.

PART 6—AIR COMMERCE REGULATIONS

It is proposed to amend section 6.14 by revising paragraph (e) to read as follows:

§ 6.14 Civil Aircraft arriving from areas south of the United States.

* * * * *

(e) *Private aircraft defined.* For the purpose of this section, "private aircraft" means all aircraft except public aircraft and those aircraft operated on a regularly published schedule by carriers certified by the U.S. government as domestic air carriers, flag air carriers, and supplemental air carriers, and those air carrier aircraft with a seating capacity of more than 30 passengers or a maximum payload capacity of more than 7,500 pounds which are engaged in air transportation for compensation or hire on demand. (See 14 CFR Part 121).

AUTHORITY

This proposal is made under the authority of R.S. 251, as amended, sec. 624, 46 Stat. 759, sec. 1109, 72 Stat. 799, as amended (19 U.S.C. 66, 1624; 49 U.S.C. 1509).

COMMENTS

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with section 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

EXECUTIVE ORDER 12291

This proposal is not a "major rule" as defined in section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis is not required.

REGULATORY FLEXIBILITY ACT

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

DRAFTING INFORMATION

The principal author of this document was Larry L. Burton, Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

WILLIAM VON RAAB,
Commissioner of Customs.

Approved: June 8, 1984.

JOHN M. WALKER, Jr.,
Assistant Secretary of the Treasury.

[Published in the Federal Register, July 31, 1984 (49 FR 30527)]

U.S. Customs Service

General Notice

Application for Recordation of Trade Name: "Villeroy & Boch
Keramische Werke KG"

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of Application for Recordation of Trade Name.

SUMMARY: Application has been filed pursuant to section 133.12, Customs Regulations (19 CFR 133.12), for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "VILLEROY & BOCH KERAMISCHE WERKE KG" used by Villeroy & Boch Keramische Werke KG, a limited liability partnership organized under the laws of Germany, located in D-6642 Mettlach, West Germany.

The application states that the trade name is used in connection with the following merchandise manufactured in West Germany and France: housewares; tableware and glassware; ceramic tiles; and ceramic sanitary installation.

Before final action is taken on the application, consideration will be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation of this trade name. Notice of the action taken on the application for recordation of this trade name will be published in the Federal Register.

DATE: Comments must be received on or before October 2, 1984.

ADDRESS: Written comments should be addressed to the Commissioner of Customs, Attention: Entry, Licensing and Restricted Merchandise Branch, 1301 Constitution Avenue, NW., Room 2417, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Harriet Lane, Entry, Licensing and Restricted Merchandise Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-5765).

Dated: July 30, 1984.

DONALD W. LEWIS,
Director,
Entry Procedures and Penalties Division.

[Published in the Federal Register, August 3, 1984 (49 FR 31189)]



United States Court of International Trade

One Federal Plaza
New York, N.Y. 10007

Chief Judge

Edward D. Re

Judges

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Morgan Ford
James L. Watson

Gregory W. Carman
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Bernard Newman
Samuel M. Rosenstein
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Joseph E. Lombardi



Decisions of the Court of International Trade

Abs

Abstracted and Published

The following abstracts of decisions of the United States Court of International Trade are published for the information and guidance of officers and employees of Customs and Border Protection. Decisions are not of sufficient general interest to print in full to Customs officials in easily locating cases and tracing

the United States International Trade

Abstracts

Protest Decisions

DEPARTMENT OF THE TREASURY, *July 25, 1984.*

United States Court of International Trade at New York are
officers of the Customs and others concerned. Although the
print in full, the summary herein given will be of assistance
acing important facts.

WILLIAM VON RAAB,
Commissioner of Customs.

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESS
				Item No. and
P84/229	Ford, J. July 23, 1984	Act Young Imports Inc.	82-4-00453	Item 389.62 15% plus
P84/230	Restani, J. July 23, 1984	Pan American Industries Inc.	80-1-00011, etc.	Item 807.00 rate appli to item(s) 382.04, 38 382.81, 38 with an allowance item 807.0 the cost o of some o fabric component which we product o U.S. and were utili assemblin imported merchand allowance item 807.0 fabric component produced which we subjected buttonhol or slit operation the assem imported garments.
P84/231	Watson, J. July 24, 1984	J. Riggings	82-5-00638	Item 380.00 35%

ASSESSED	HELD	BASIS	PORT OF ENTRY AND MERCHANDISE
Item No. and Rate	Item No. and Rate		
389.62 % plus 25¢ lb.	Item 706.24 20%	Agreed statement of facts	San Juan Tote bags
807.00 at the rate applicable to item(s) 382.00, 2.04, 382.78, 2.81, 380.84 with an allowance under item 807.00 to the cost or value of some of the components which were the product of the U.S. and which are utilized in assembling the ported merchandise. No allowance under item 807.00 for components produced in U.S. which were subjected to buttonhole and/ slit operations in the assembly of ported merchandise.	Item 807.00 with duty allowance for buttonhole and pocket slit components	United States v. Mast Industries Inc., 69 CCPA 47, C.A. 81-18, 668 F. 2d 501 (1981).	Miami Shirts and pants
350.00 %	Item 380.39 16.5%	Brittania Sportswear d/o Schoenfeld Industries Inc. v. U.S., 5 CIT —, Slip Op. 83- 46, (1983)	Atlanta Men's or boys' wearing apparel

Decisions of Court of International Trade Abstracted Reap

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIC VALUATION
R84/293	Restani, J. July 23, 1984	Aluminum Housewares Co.	73-1-00197, etc.	Export val
R84/294	Restani, J. July 23, 1984	Topp Electronics Inc.	82-5-00605	Construct
R84/295	Watson, J. July 24, 1984	B.P.M. International Ltd.	R63/13224, etc.	Export val
R84/296	Watson, J. July 24, 1984	Brechner Bros.	R63/2654, etc.	Export val
R84/297	Watson, J. July 24, 1984	Brechner Bros.	R63/7136, etc.	Export val

of the United States International Trade

Abstracts

Reappraisal Decisions

BASIS OF VALUATION	HELD VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
ort value	Unit invoice values without any addition for currency fluctuation	Agreed statement of facts	San Francisco Not stated
structed value	Various values specified on entry papers excluding one-half of the amount added for assists set forth in the attached schedule	Agreed statement of facts	Miami Not stated
ort value	F.o.b. unit prices plus 20% of the difference between the f.o.b. unit prices and the appraised value	Agreed statement of facts	New York Transistor radios and accessories
ort value	Appraised unit values plus 20% of the difference between the f.o.b. unit prices and the appraised values	Agreed statement of facts	New York Transistor radios and accessories
ort value	Appraised unit values less 7.5% thereof	Agreed statement of facts	New York Transistor radios and accessories

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION
R84/298	Watson, J. July 24, 1984	Brechner Bros.	R63/7691, etc.	Export value
R84/299	Watson, J. July 24, 1984	Empire Findings	R66/5936, etc.	Export value
R84/300	Watson, J. July 24, 1984	Haruta & Co.	R64/5469	Export value
R84/301	Watson, J. July 24, 1984	Lieberman Waelchli & Co.	283582A, etc.	Export value
R84/302	Watson, J. July 24, 1984	Nu-Photo Distributing Co.	R60/14518	Export value
R84/303	Watson, J. July 24, 1984	Parksmith Corp.	269170A, etc.	Export value
R84/304	Watson, J. July 24, 1984	Scope Importing Co.	R59/6477	Export value
R84/305	Re, C.J. July 25, 1984	Allie-B Inc.	76-6-01486	Export value

BASIS OF VALUATION	HELD VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
value	Appraised unit values plus 20% of the difference between the f.o.b. unit prices and the appraised values	Agreed statement of facts	New York Transistor radios and accessories
value	F.o.b. unit invoice prices plus 20% of the difference between the f.o.b. unit invoice prices and the appraised values	Agreed statement of facts	New York Thermometers
value	F.o.b. unit invoice prices less 7.5% thereof	Agreed statement of facts	New York Dinnerware
value	F.o.b. unit invoice prices plus 20% of the difference between the f.o.b. unit invoice prices and the appraised values	Agreed statement of facts	New York Binoculars, gloves, flatware, tablecloths, pipe fittings
value	F.o.b. unit invoice prices plus 20% of the difference between the f.o.b. unit prices and the appraised values	Agreed statement of facts	New York Transistor radios and accessories
value	Appraised values less 7.5% thereof	Agreed statement of facts	New York Silk scarves
value	F.o.b. unit prices plus 20% of the difference between the f.o.b. unit prices and the appraised values	Agreed statement of facts	San Francisco Binoculars
value	Amount shown on invoices prepared by suppliers of merchandise	Agreed statement of facts	San Francisco Not stated

R84/306	Re, C.J. July 25, 1984	Zado Goldenberg Inc.	73-5-01294	Export value
R84/307	Re, C.J. July 25, 1984	Malia International Ltd.	78-3-00422	Export value
R84/308	Re, C.J. July 25, 1984	John Morris Co.	74-2-00547	Export value
R84/309	Watson, J. July 25, 1984	Abraham & Strauss, d/o Fed. Dept. Stores Inc.	238207A	Export value
R84/310	Watson, J. July 25, 1984	Cosmos Products Co.	R58/17886	Export value
R84/311	Watson, J. July 25, 1984	Cosmos Products Co.	R63/4031	Export value
R84/312	Watson, J. July 25, 1984	Haber & Fink Inc.	282775A	Export value
R84/313	Watson, J. July 25, 1984	Kaufman & Vinson Co.	270289A	Export value

value	Amount shown on the invoices prepared by suppliers of merchandise	Agreed statement of facts	San Francisco Not stated
value	Unit invoice values without any addition for currency fluctuation	Agreed statement of facts	Honolulu Not stated
value	Unit invoice values without any addition for currency fluctuation	Agreed statement of facts	San Francisco Not stated
value	F.o.b. unit invoice prices less 7.5% thereof	Agreed statement of facts	New York Rugs, scarves
value	F.o.b. unit prices plus 20% of the difference between the f.o.b. unit prices and the appraised values	Agreed statement of facts	New York Artificial flowers
value	F.o.b. unit prices plus 20% of the difference between the f.o.b. unit prices and the appraised values	Agreed statement of facts	San Francisco Stainless steel flatware
value	F.o.b. unit values plus 20% of the difference between the f.o.b. unit prices and the appraised values	Agreed statement of facts	New York Binoculars
value	F.o.b. unit prices plus 20% of the difference between the f.o.b. unit prices and the appraised values	Agreed statement of facts	New York Binoculars

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS VALUATION
R84/314	Watson, J. July 25, 1984	Kaufman & Vinson Co.	278276A	Export value
R84/315	Watson, J. July 25, 1984	Oriental Exporters Inc.	R63/9490, etc.	Export value
R84/316	Watson, J. July 25, 1984	Union Seaboard Trading Corp.	R59/4525	Export value

BASIS OF VALUATION	HELD VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
t value	F.o.b. unit prices plus 20% of the difference between the f.o.b. unit prices and the appraised values	Agreed statement of facts	New York Artificial flowers
t value	Equal to the appraised values, less 7.5%, net pkd.	Agreed statement of facts	New York Transistor radios and ac- cessories
t value	F.o.b. unit prices plus 20% of the difference between the f.o.b. unit prices and the appraised values	Agreed statement of facts	New York Transistor radios and ac- cessories

Appeal to the U.S. Court of Appeals for the Federal Circuit

APPEAL 84-1445 KLOCKNER, INC., v. UNITED STATES—STEEL SPECIAL SECTIONS—CARBON STEEL STRUCTURAL SHAPES—ECSC ARRANGEMENT—Appeal from Slip Op. 84-81, filed on July 11, 1984.

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DEPARTMENT OF THE TREASURY
U.S. CUSTOMS SERVICE
WASHINGTON, D.C. 20229

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